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A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

MARCH 1980

VOL. 11, NO. 10

LEGISLATIVE COUNCIL

MEETING

The Legislative Council met February 26. The Council:

- (1) Voted to set aside \$1,000 for two meetings of the Reapportionment Commission this year to hear technical presentations from Bureau of Census personnel and prepare a budget for its redistricting duties.
- (2) Voted to support the EQC's request to be designated as Montana's policy review body and staff contact for an NCSL Technical Assistance Program on small scale hydropower and geothermal energy.
- (3) Reaffirmed its policy that prior to the November election, staff accept bill drafting requests only from holdover senators and legislators running unopposed.
- (4) Decided there was no money available to bring legislators together for an ethics seminar proposed by LEGIS 50.
- (5) Approved immediate requisition of equipment for the '81 Legislative Print Shop. Equipment will be leased for the next session. The Council supervises the Legislative Printing operation.

INTERIM COMMITTEE ON ANNEXATION

MEETING

The Study Committee on annexation met Saturday, March 1, to continue its discussion of problems with Montana annexation processes. The Committee plans to hold a meeting and hearing Saturday, April 26, in Missoula to solicit public comment on the previously published discussion proposals and other annexation issues.

NEXT MEETING
APRIL 26 IN
MISSOULA

CORRECTIONS POLICY AND FACILITY NEEDS

HEARING ON
FEBRUARY 28

The Study Committee on Corrections Policy and Facility Needs held a public hearing in Helena on February 28 focused on adult corrections and draft legislation under consideration by the Committee. On February 29 the Committee gave tentative approval to the following measures:

MEETING ON
FEBRUARY 29

- LC 38 - presumptive sentencing;
- LC 40 - consecutive additional sentences for crimes committed with a dangerous weapon;
- LC 41 - increased penalty for third felony conviction;
- LC 53 - corrections board of visitors.

The Committee deferred action on LC 49 - increased penalty for sexual intercourse without consent; LC 51 - increased time served before parole eligibility; and LC 52 - decrease in good time allowance, until more information could be obtained on the potential impact of these bills. The Committee rejected LC 46 - abolishing the parole system, and LC 50 - permanent custody for persistent felons. The Committee asked staff to prepare legislation to require plea bargaining to be an open process with a written record, to permit prosecution access to the sentence review board hearings, to allow fines for felony offenses, and to increase the length of time a sentence can be deferred from 3 years to 5 years. The Committee requested the Department of Institutions to develop and submit the following information to the Committee:

- (1) A plan for dealing with female offenders;
- (2) A plan for the treatment of sexual offenders; and
- (3) A plan for the custody and/or treatment of the so-called "psychopath".

NEXT MEETING

The next meeting of the Committee will be in Miles City on Friday, April 11. The Committee will tour Pine Hills School; review the status of the lawsuit pending and any progress made in the consent decree negotiations; and will receive testimony, comments and suggestions concerning the needs of the juvenile corrections system and other matters concerning the sentencing of juveniles in Montana.

INTERIM COMMITTEE ON BRANCHING OF FINANCIAL INSTITUTIONS

MEETING
APRIL 14

The next meeting of the Committee on Branching of Financial Institutions will be held on April 14 to hear a report from the Montana Bankers' Association which will indicate that organization's posture relative to branching. A staff report will be prepared which will point out the effects which various forms of branching have had on the banking industry and the consumer in other states.

INTERIM COMMITTEE ON STATE MANDATES

MEETING
APRIL 19

The Study Committee on State Mandates and the Effects of State-Owned Property on Local Governments will meet in Helena Saturday, April 19, beginning at 9:00 a.m. to review the fiscal impacts of selected state mandates and to monitor the progress of the NCSL funded study regarding state compensation schemes for state-owned property.

INTERIM COMMITTEE ON ENERGY FORECASTING

MEETING
APRIL 3

On Thursday, April 3, the Study Committee on Energy Forecasting will meet at 9:00 a.m. in Room 104 of the Capitol. At this meeting the Committee members will review the material covered at past meetings, discuss with a BPA official the "Costs and Benefits of Over/Under Capacity in Electric Power System Planning", and review a staff report summarizing and analyzing various study materials and relevant federal and state statutes and their relationship to energy forecasting alternatives for Montana. The Committee plans to begin formulating recommendations.

The Committee may also receive a report from the staff of the Legislative Auditor on a recently completed survey of the Energy Division of the DNRC.

MINUTES
AVAILABLE

Detailed minutes of the two-day informational hearing November 2 and 3 are available to legislators and other interested persons upon request.

INTERIM COMMITTEE ON PUBLIC RETIREMENT SYSTEMS

MEETING
APRIL 9

On April 9, the Interim Committee on Public Retirement Systems will consider various approaches developed by retirement system administrators to augment retirement benefits in response to inflationary pressures on the retiree.

The Committee will discuss retaining an actuary to assist the Committee in establishing accurate costs for possible Committee recommendations.

LEGISLATIVE IMPROVEMENT

MEETING The Legislative Improvement Committee met February 25 and:

CAUCUS (1) Decided to recommend to the Deans a 2-day
PROPOSED FOR caucus, November 21 and 22. The new Rules Committee,
NOV. 21 & 22 Legislative Administration Committees, and other
 leaders can also meet at that time.

The Committee also recommended a short orientation for all legislators at the same time at which a straw vote on proposed rules changes could be taken so that rather than adopting temporary rules, the '81 Legislature can adopt its own rules immediately.

5-BILLS PER (2) Verified decisions made at the October 25 meeting,
LEGISLATOR including the 5-bill per legislator limitation. This
 proposed limitation excludes bills requested prior
 to the session and agency bills.

BILL REQUEST (3) Reaffirmed the '79 Legislature's adoption of a
10-DAY 10-day limit on bill requests for the '81 session.
DEADLINE

(4) Directed staff to draft a bill to change the automatic effective date of nonfiscal bills to January 1 rather than July 1.

(5) Approved a bill draft making the Secretary of the Senate and Chief Clerk of the House employees appointed by the leadership rather than officers elected at the caucus.

5-DAY WORK (6) Discussed the possibility of a 5-day work week
WEEK for the '81 Legislature which could result in the
 session lasting until May 12. The Committee decided
 to seek the opinions of colleagues before voting on
 a recommendation. (The Committee confirmed its
 earlier vote to recommend that there be no work on
 the two state holidays in February. This would save
 about \$30,000 in holiday pay for attaches.)

(7) Voted to recommend that all resolutions be screened by the Rules Committee prior to introduction in an attempt to limit frivolous or nuisance resolutions.

(8) Agreed that the '81 House might vote for the eight committees structure proposed in the '79 Legislature but that the Senate might not want to reduce its number of committees. However, a proposal for 8 parallel committees in each house will be submitted to the caucus.

The final meeting of the Committee will be September 15, 1980.

WATER RESOURCES AND ADJUDICATION OVERSIGHT

MEETING

The Water Committee met February 5 to hear a briefing from the Water Resources Division of the DNRC on the general status of water development programs in Montana. The Committee also heard a report on the progress being made in the state's groundwater inventory. The Committee heard a presentation by Senator Story expressing concern with three areas of the adjudication program: (1) having to report the separate uses of one water right on separate forms; (2) the requirement to compute volume on a claim; and (3) the lack of clarity in the instructions as to how much of a decree must be submitted to support a decreed right. The Committee passed along these concerns to the court. Judge Lessley responded to these concerns saying that the computation of volume is extremely important to water users. Clerks of court have been notified that only the "relevant page or portion of the decree certified" need be filed with a claim.

MEETING MARCH 21

On March 21 the Committee will hear a detailed report from the Water Resources Division on a number of water development topics.

ADMINISTRATIVE CODE COMMITTEE

LAST MEETING HELD FEBRUARY 27

On February 27, 1980, the Administrative Code Committee held a meeting at which it heard presentations by administrators of several agencies concerning the validity of rules questioned by the Committee. The Committee also considered and rejected a request for an economic impact statement on a proposed Fish, Wildlife, and Parks Department policy made by the Montana Petroleum Association, and reviewed Issues 1 through 4 of the 1980 Montana Administrative Register. Another meeting of the Administrative Code Committee has been scheduled for Monday and Tuesday, March 24 and 25, 1980, in Room 104 of the Capitol. The Committee will continue its work on the Government Paperwork Study at this meeting.

PAPERWORK STUDY TO CONTINUE MARCH 24 & 25

CAPITOL BUILDING AND PLANNING COMMITTEE

MEETING
MARCH 5

The Capitol Building and Planning Committee met March 5 to review alternative plans for remodeling the Capitol after the Supreme Court, Law Library, and Attorney General have moved to the Justice Building. Alternatives include moving the Senate Chambers into the area now occupied by the Law Library. All plans call for some way to provide additional work space for legislators and for improved committee rooms.

The Committee also heard a recommendation from the conservator restoring the Capitol's art works that the Paxson murals in the House lobby be protected by the installation of tempered glass covers.

LEGISLATIVE AUDIT COMMITTEE

MEETING

The Legislative Audit Committee will meet March 17, 1980 at 9:00 a.m. in Room 413-415 of the State Capitol.

SUNSET

The following public hearings on sunset reports will be held:

9:00 a.m. -- Board of Veterinarians
10:00 a.m. -- Board of Pharmacists
11:00 a.m. -- Board of Chiropractors
1:30 p.m. -- Board of Podiatry Examiners
2:30 p.m. -- Board of Sanitarians

REPORT TO BE
ISSUED

The committee will receive and review the financial compliance audit report on the Montana Advisory Council for Vocational Education.

CONTRACT
AUDITS

The selection of a certified public accountant firm will be made to perform an audit of the Missoula Vocational Technical Center.

ENERGY
DIVISION

A report on the survey of the Energy Division, Department of Natural Resources and Conservation, will be presented to the committee.

BOARD OF
HOUSING

The committee will discuss a request to perform an audit of the Board of Housing.

REPORTS
AVAILABLE

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 499-3122.

ENVIRONMENTAL QUALITY COUNCIL

MEETING
JANUARY 25

The Environmental Quality Council met January 25 at the State Capitol.

Staff and business representatives gave presentations concerning the problems and future of bentonite. Major problems include transportation rates and the current market.

Procedures involved with exploration of uranium were given. It was suggested that Montana review the legislation of other states to guide the development of legislation in the state.

Members of the industrial, government, and academic communities gave presentations on the relationship of taxation and natural resource laws to economic development. Property taxes, transportation rates, distance from markets, and regulation are the primary concerns.

YOUR RESPONSE
IS SOLICITED

A working paper of a coordinated permit procedure (HJR 60) has been circulated for comment and feedback. Legislators, agencies, and interested parties are encouraged to submit specific concerns as soon as possible.

FOR YOUR INFORMATION, THE ADDRESSES LISTED BELOW ARE CHANGES FROM
WHAT YOU MAY HAVE IN YOUR RECORDS:

Rep. Gary Bennett (new)
Box 643
Lion Mountain Loop
Whitefish, Montana 59937

Rep. Harold Gerke
1201 Clark
Billings, Montana 59102

Sen. John "Jack" Haffey (new)
709 West 4th Street
Anaconda, Montana 59711

Rep. Hal Harper
1710 Livingston
Helena, Montana 59601

Rep. Daniel Kemmis
P. O. Box 8687
Missoula, Montana 59807

Rep. Gerald Kessler
237 Avenue B
Billings, Montana 59101

Sen. Tom Rasmussen
1295 Landmark Drive
Helena, Montana 59601

Rep. Jonas Rosenthal
406 South Willson
Bozeman, Montana 59715

Sen. Fred Van Valkenburg
219 University
Missoula, Montana 59801

Rep. Steve Waldron
624 1/2 South 3rd West
Missoula, Montana 59801

LEGISLATIVE INTERIM CALENDAR

MONTH MARCH TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

SUNDAY

MONDAY


TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

						1 ANNEXATION Room 104 9:30 a.m.
2	3	4	5 CAPITOL BUILDING AND PLANNING Room 139 1:00 p.m.	6	7 REVENUE OVERSIGHT Room 104 1:00pm - 5:00pm	8 REVENUE OVERSIGHT Room 104 8:00 a.m.
9	10	11	12	13	14	15
16	17  ST. PATTY'S	18	19	20	21 WATER RESOURCES Room 139 9:30 a.m.	22
23	24 ADMINISTRATIVE CODE RM 104 9:30 am	25 ADMINISTRATIVE CODE Rm. 104 9:30 am	26	27	28 COAL TAX OVERSIGHT Rm. 139 10-2pm COAL TAX, FINANCE & COAL BOARD Rm. 436 2pm	29 LEGISLATIVE FISCAL ANALYST Room 104
	30	31				

LEGISLATIVE INTERIM CALENDAR

MARCH

APRIL

TUESDAY

WEDNESDAY


THURSDAY

FRIDAY

SUNDAY

MONDAY

SCHEDULE

			1	2	3 ENERGY FORECASTING Room 104 9:00 a.m.	4	5
6	Happy Easter 	7	8	9 RETIREMENT SYSTEMS Room 104 9:00 a.m.	10	11 CORRECTIONS POLICY AND FACILITY NEEDS MILES CITY 9:00 a.m.	12
13		14 BRANCHING OF FINANCIAL INSTITUTIONS Room 104 9:00 a.m.	15	16	17	18	19 LEGISLATIVE COUNCIL. Rm. 139 10:00am PAYMENT IN, LITIGATION TAXES FOR STATE OWNED PROPERTY Rm. 104 9:00am
20		21	22	23	24	25 ENVIRONMENTAL QUALITY COUNCIL (TEMPERATIVE) Room 104	26
27		28	29	30			

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